

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No.6584 of 1998

to

FIRST APPEAL No.6587 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and

MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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OFFICER ON SPECIAL DUTY

Versus

AARAMBHAI MAHMADBhai VORA DECDTHRO'HEIRS HALIMABEN ISMAIL

Appearance:

MR NS SETH, ASSTT. GOVERNMENT PLEADER for appellants
MR NITIN AMIN for the respondents

CORAM : MR.JUSTICE M.R.CALLA and

MR.JUSTICE R.P.DHOLAKIA

Date of decision: 15/04/99

These First Appeals are directed against the common judgment and order dated 13-1-1998 passed by the learned Extra Asstt. Judge, Nadiad in a reference case under sec.18 of the Land Acquisition Act in Land Acquisition Cases Nos.101/88, 102/88, 104/88 and 105/88.

2. We have heard learned counsel and we have gone through the impugned judgment and order dated 13-1-1998 passed by the Reference Court. The order is based on the previous award exh.18. In that case, the land concerned was the land which had been acquired for telephone office and the notification under sec.4 has been issued in the year 1981. The lands concerned in the order exh.18 are situated at Cambay and in that case, the Reference Court has awarded the compensation @ Rs.49/-per sq.mtr. In the instant cases, the lands of the claimants were acquired by a notification issued under sec.4 for the year 1983 for the expansion of the Gujarat Industries Development Corporation. The lands of the claimants concerned in these cases are situated at a distance of about 800 sq.mtrs. from the land which was concerned in the previous award exh.18. Taking note of the location of the land concerned of these matters which is about 800 sq.mtrs. from the lands which were concerned in exh.18 and taking note of the fact that the award exh.18 had become final, notification in exh.18 was issued in 1981 and the notification in the present cases under sec.4 was issued in 1983 and the Reference Court has awarded the compensation @ Rs.31=50 per sq.mtr.

3. We find that the Reference Court in such cases can safely rely upon the previous award and the conclusion arrived at by the Reference Court in awarding the compensation in the present cases @ Rs.31=50 per sq.mtr. does not suffer from any infirmity. The rate at which the compensation has been granted cannot be said to be excessive or disproportionate by any norms.

4. We do not find any substance in these four First Appeals and the same are accordingly dismissed.

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